DETAILED ACTION

1. This action is in response to applicant's Appeal Brief that was filed on August 13, 2009.

EXAMINER'S AMENDMENT

2. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Janet Hood (Registration Number 61,142) on December 7, 2009.

The application has been amended as follows:

10. (currently amended) A method for activating non-licensed software modules among a plurality of software modules resident in a computer-controlled switching device within a communications network, comprising:

providing a switching device including a system database comprising a storage device;

installing a license database in the switching device, the license database including both one or more non-licensed software modules and licensed software modules and license information, the license information resident in the switching device pertaining to each of the software modules;

connecting a ~~portable data medium~~computer-readable data carrier to the switching device and initiating an interaction between the license database and the ~~portable data medium~~computer-readable data carrier with a cryptographic algorithm to

determine whether the storage device and the ~~portable data medium~~computer-readable data carrier each include matching hardware identification information;

next transmitting determined matching hardware identification information and license information pertaining to at least one software module over a communication link from the switching device to a license manager, the license manager then determining whether license authorization exists for the switching device to use the at least one software module;

the license manager then generating a license confirmation via a license reference database having licenses for software modules purchased for the switching device; and

sending the license confirmation ~~information~~ to the switching device thereby permitting use of the software module,

wherein the license manager is remotely located from the switching device.

11. (currently amended) The method according to claim 10, wherein an asymmetrical encryption is used in the interaction between the license database and the ~~portable medium~~computer-readable data carrier.

12. (canceled).

13. (currently amended) The method according to claim 11, wherein the ~~portable medium~~computer-readable data carrier is a card selected from the group consisting of smart card, chip card and SD/MultiMedia card.

14. (previously presented) The method according to claim 13, wherein the hardware identification information is created from a identification number of the license database and information stored on the card.

15. (previously presented) The method according to claim 13, wherein the hardware identification information and the license information transmitted from the switching device to the license manger are encrypted.

16. (previously presented) The method according to claim 15, wherein the license manager is a server and is networked with the switching device via a communication network.

17. (currently amended) The method according to claim 16, wherein the ~~created~~generated license confirmation ~~information~~ authorizes operation of the software module in the switching device when the license information for the software module is included in the license reference database~~purchased licenses~~.

18. (currently amended) The method according to claim 16,

wherein the ~~created~~generated license confirmation ~~information~~ authorizes a test operation of the software module in the switching device when the license information for the software module is not included in the license reference database~~purchased licenses,~~ and

wherein the test operation is for a period of time.

19. (previously presented) The method according to claim 16, wherein the communication connection between the switching device and the license manager is routed via a circuit-switched or a packet switch communication network.

20. (currently amended) The method according to claim ~~1~~10, wherein the ~~portable medium~~computer-readable data carrier is a card selected from the group consisting of smart card, chip card and SD/MultiMedia card.

21. (currently amended) The method according to claim ~~1~~10, wherein the hardware identification information and the license information transmitted from the switching device to the license manager are encrypted.

22. (currently amended) The method according to claim ~~1~~10, wherein the license manager is a server and is networked with the switching device via a communication network.

23. (currently amended) The method according to claim ~~1~~10, wherein the ~~created~~generated license confirmation ~~information~~ authorizes an operation of the software module in the switching device when the license information for the software module is included in the license reference database~~purchased licenses~~.

24. (currently amended) The method according to claim ~~1~~10,

wherein the ~~created~~generated license confirmation ~~information~~ authorizes a test operation of the software module in the switching device when the license information for the software module is not included in the license reference database~~purchased licenses~~ and

wherein the test operation is for a period of time.

25. (currently amended) The method according to claim ~~1~~10, wherein the communication connection between the switching device and the license manager is routed via a circuit-switched or a packet switch communication network.

Allowable Subject Matter

3. Claims **10-11 and 13-25** are allowed.

4. The following is an examiner's statement of reasons for allowance: The primary reason for the allowance of the claims is the inclusion of the limitation, inter alia, a

"providing a switching device including a system database comprising a storage device; installing a license database in the switching device, the license database including both one or more non-licensed software modules and licensed software modules and license information ... connecting a computer-readable data carrier to the switching device and initiating an interaction between the license database and the computer-readable data carrier with a cryptographic algorithm to determine whether the storage device and the computer-readable data carrier each include matching hardware identification information ... the license manager then generating a license confirmation via a license reference database having licenses for software modules purchased for the switching device; and sending the license confirmation to the switching device thereby permitting use of the software module". Each of the individual components of the claim (i.e. switching device, license database, computer-readable data carrier) can easily be found in the prior art, but the claimed combination cannot be found. The concept of having a license database on a switching device containing licensed and non-licensed software modules and using a computer-readable data carrier to activate the non-licensed software modules cannot be found in the prior art.

It is also noted that the "computer-readable data carrier" is a portable data carrier such as "a smart card, a chip card or a Secure Digital/MultiMedia Card", which is hardware and clearly not a signal. Support for this can be found in paragraphs 17 and 18 of the specification.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably

accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to John B. King whose telephone number is (571)270-7310. The examiner can normally be reached on Mon. - Fri. 7:30 AM - 4:00 PM est..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kim Vu can be reached on (571)272-3859. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/John B King/
Examiner, Art Unit 2435
/Kimyen Vu/
Supervisory Patent Examiner, Art Unit 2435